

Finding Your Way

Guides for Fathers in Child Protection Cases

Guide 3.3 Common Court Terms

About the guides

This is one in a series of guides that give you tips to help you and your child throughout the court case. The guides include:

Guide 1: Your rights and responsibilities

Guide 2: How to work with your lawyer

Guide 3: Your role in court

3.1: The court process

3.2: Who will be in court

3.3: Common court terms

Guide 4: Your role outside court

Guide 5: When you owe child support

Guide 6: If you are or have been in prison

Keep these guides in a safe place. Review them before you attend a court hearing or meeting. Check the guides to see which one(s) will help you as you prepare for that court date or meeting.

This guide provides general information, not legal advice. If you have case-specific or legal questions, ask your lawyer or caseworker.



- **Permanency Hearing:** This hearing is usually held a year after the child enters foster care (it can be held much earlier if severe abuse or neglect has occurred). At this hearing, the judge assesses the parents' progress in meeting their **case plan** (also called *service plan*) goals and decides where the child should live permanently. Usually, up to this point, the goal has been to reunify the child with his or her parents. However, if the judge does not believe the parents have made sufficient progress, the judge may change the goal from reunification with the parents to **adoption, guardianship or another planned permanent living arrangement (APPLA)**.
- **Permanency Planning:** The agency and court go through this process to ensure each child has a permanent home.
- **Petition:** This is the document the agency files with the court **alleging** facts to support its belief that the child was abused or neglected. The agency will seek to prove the **allegations** in the petition at the **adjudicatory hearing** to convince the judge to find that the child was in fact abused or neglected.
- **Placement:** This is where your child lives during the court process. He or she could live with a parent, relative, nonrelative foster parent, or in a group home or other facility. Many children experience multiple placements during the length of the court process.
- **Pretrial Conference:** This is a meeting where the parties decide whether they can agree on the facts in the **petition**. If they can, the parents usually sign forms saying they agree that the child has been abused or neglected. If this happens the court will probably not hold an **adjudicatory hearing** and instead goes straight to the **disposition hearing**. This meeting may also be called a **mediation** session or stipulation.
- **Reasonable Efforts:** These are steps the agency must make to (1) prevent a child from being removed from his or her home, or (2) help a child return home after removal. At many court hearings the judge must decide whether the agency made reasonable efforts to achieve these goals. If the court finds the agency has *not* made reasonable efforts, the agency loses federal money to support the child's placement. If there has been severe abuse or neglect, the agency may not have to make "reasonable efforts" to reunify the family.
- **Registry** (or *child abuse registry* or *central registry*): This is a list or database the agency keeps of names of people who have committed child abuse or neglect. How long a name remains in the registry varies by state. Being listed on the registry can affect a person's ability to get a job working with children or become an adoptive or foster parent.
- **Review Hearing:** The court has review hearings every few months after the **disposition hearing** to find out how the child is doing and what progress has been made on the **case plan** (or *service plan*). Depending on how things are going, the case plan could change and/or the court could create **concurrent planning** goals for the case.
- **Service Plan:** see **Case Plan**.
- **Substantiated:** see **Founded**.
- **Termination of Parental Rights (TPR):** A judge decides to end all rights of the biological parents to their child. When a parent's rights to his or her child are terminated, the child is legally free to be adopted. The biological parent may still be able to maintain contact with the child, but this is usually up to the child's new caregiver or the child after he or she is 18 years old.
- **Unfounded** (or *not indicated, unsubstantiated*): When the agency learns a child may be abused or neglected it conducts an investigation. After the investigation the agency decides if there is enough information to find the child was abused or neglected. If there is *not* enough proof, it will say the **allegation** of abuse or neglect was unfounded (not indicated or unsubstantiated). If this happens, the agency may close the case and offer the parents optional services. The agency will likely keep a record of the investigation.
- **Unsubstantiated:** see **Unfounded**.

Common Court Terms

- **Adjudicatory Hearing:** At this hearing the court decides if there is enough evidence to prove the child was abused or neglected. The government, parents and often the child's representative (lawyer or GAL) can call witnesses and present documents to help the judge make a decision.
- **Adoption:** This is when a child becomes the permanent, legal member of another family and no longer lives with his or her biological parents. Sometimes the child keeps in touch with his or her biological family if the adoptive parents approve (called *open adoption*).
- **Allege** (or *allegation*): When someone says something happened, but they do not have proof.
- **Another Planned Permanent Living Arrangement (APPLA):** This living arrangement is made when a child (usually a teen over age 16) does not return home to live with biological parents or relatives and is not adopted. The child may live in a foster home or be enrolled in an independent living program that helps the child prepare to live on his or her own. The child will stay in this living arrangement until the case closes sometime between ages 18 and 21 (depending on state law).
- **Appeal:** This is what a party can do if they don't like a decision the court or the agency made. A party who doesn't agree with the court's decision can ask a higher level court to review the decision and overrule it. If he or she doesn't agree with an agency decision, the party can ask for a higher level person (like a supervisor or agency administrator) or team to review it. If you want to appeal something, talk to your lawyer, caseworker, or the caseworker's supervisor about doing so. If you don't have a lawyer, find out if the court has a help center that can assist you with this process.
- **Court Appointed Special Advocate (CASA):** This community volunteer (usually not an attorney) is trained to serve as a court-appointed advocate for the child throughout the court process. The CASA conducts their own assessment of the case and reports to the judge what they believe to be in the child's best interests. In some states the volunteer is referred to as a guardian ad litem (GAL).
- **Case Plan** (or *Service or Treatment Plan*): This written agreement between the parent and agency describes why the family is involved in the system, the family's needs, and the goals for the child. It lists actions the parent must take to reunify (or stay unified) with the child (e.g., taking classes, participating in treatment, or making changes in the home). The judge reviews the case plan and includes it in the court order, usually at the **disposition hearing**.
- **Concurrent Planning:** The court and the agency may prepare two possible plans for a child's future living arrangement and they work towards achieving both at the same time:
 1. Often the preferred plan is for the child to return home and live with the parent he or she lived with before the case started.
 2. If that doesn't work out, the second plan could be to let the child live with a different relative or to find the child an adoptive home.

By planning for the first and backup plans at the same time, the agency can shorten the time the child remains in foster care. There are laws that require the agency to take action within set times so children don't stay in foster care for too long. Your lawyer or caseworker should tell you what the first and second plan are, and what the deadlines are for the plans to work out.
- **Court Order:** This document explains the judge's directions or instructions. Failure to follow the court's orders may prevent parents from maintaining a relationship with their child and/or could result in other sanctions.
- **Disposition Hearing:** At this hearing, which is usually held after the **adjudicatory hearing**, the judge reviews and approves the **case plan** (or *service plan*). This hearing lays out a plan to meet the child's future needs and sets goals for the parents to reunify or stay unified with their child. Usually parents are given about a year to meet these goals and complete the services required in their case plan.
- **Emergency Placement/Removal:** The agency temporarily removes a child from his parents' or caregivers' care. The child is then placed with a relative, in a foster home, a group home, or an emergency shelter for abused or neglected children. The agency will remove a child from home when it is worried about the child's safety. Before or right after the removal, the agency must get a judge to approve the removal at a court hearing, which both parents should be told about and encouraged to attend.
- **Founded** (or *indicated* or *substantiated*): When the agency learns that a child may be abused or neglected (often as a result of a "report" made over the telephone) it conducts an investigation. After the investigation, the agency decides if there is enough information to believe the child was abused or neglected. If there is enough information, the agency will say the **allegation** of abuse or neglect was founded (indicated or substantiated). If this happens, the parent's name may be placed on a child abuse and neglect **registry** and the agency may seek to remove the child from the parent's care and/or file a **petition** to have a judge hear the case.
- **Guardian ad Litem (GAL) Attorney:** A GAL who is also an attorney will be representing your child in court proceedings and advocating for what he or she believes is in your child's best interest.
- **Guardianship** (or *permanent kinship placement*): This is when a court gives legal authority of the child to one of the parent's relatives, and the relative then has all the rights a parent would have. This can be done without legally terminating the parents' rights, but the relative becomes the child's permanent legal caretaker. When the agency gives the relative financial assistance to care for the child this is called a "subsidized guardianship."
- **Indicated:** see **Founded**.
- **Kinship Care:** This is when a child, who would otherwise be in a foster home, is placed with a relative. It is usually temporary until the case is resolved and a permanent living situation for the child is found. In many states, there is a legal preference for kinship care rather than foster care placements.
- **Mediation** (or *pretrial conference*): A trained outside person helps the parties in a case decide or resolve problems. This person is called a "mediator" and is not directly involved with the family or the agency. Sometimes mediation is held before an **adjudicatory hearing** to see if the parents and the agency can agree whether the child was abused or neglected.

